

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

BRISON KEITH HUMPHREY,

Petitioner,

v.

**LORIE DAVIS, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,**

Respondent.

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Civil Action No. 7:17-CV-097-O

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After making an independent review of the pleadings, files, and records in this case, and of the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, I am of the opinion that the findings of fact, conclusions of law, and reasons for dismissal set forth in the Magistrate Judge's Recommendation are correct and they are hereby adopted and incorporated by reference as the Findings of the Court.

Review of the petition reveals that the incidents underlying Petitioner's habeas claims occurred in March 2017. *See* Petition, ECF No. 2 at 15-27. Therefore, he has ample time in which to re-file his habeas petition if he so desires. *See* 28 U.S.C. § 2244(d) (a one-year statute of limitations applies to § 2254 habeas petitions).

For the foregoing reasons, this action is **DISMISSED** without prejudice pursuant to Rule 41(b), Federal Rules of Civil Procedure, for want of prosecution.

SO ORDERED this 12th day of October, 2017.



Reed O'Connor
UNITED STATES DISTRICT JUDGE